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032091US JH/ml

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Ekkehardt WEBER et al.
SERIAL NO. : 10/658,240
FILED : September 9, 2003
FOR : IMMUNOMAGENTIC SEPARATION OF SPECIFIC TARGET CELLS
ART UNIT : To Be Assigned
EXAMINER : To Be Assigned

Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

SIR:

Pursuant to 37 CFR §§ 1.56, 1.97 and 1.98, Applicants respectfully request that the Examiner consider the references listed on the attached Form PTO-1449.

I. Timeliness, Fees and Certifications in lieu of Fees

This information disclosure statement is being filed within three months of the filing date of the application, or within three months of entry into the national stage, or before the mailing of a first Office Action on the merits. Pursuant to 37 CFR § 1.97(b), consideration of this information disclosure statement does not require a fee or a statement under 37 CFR § 1.97(e). However, should the Assistant Commissioner determine that a fee is, in fact, due, the Assistant Commissioner is hereby authorized to charge the fee to Deposit Account No. 14-1263.

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II. Copies of Listed References

Copies of all references listed on the attached Form PTO-1449 are being supplied.

III. Concise Statement of Relevance

A concise statement of the relevance of all references listed on the attached Form PTO-1449 that are *not in the English language*, is provided below:

Pachmann, Katharina et al., "Tumorzell-Analyse mit kombinierter Magnetanreicherung, Laser-Scanning-Zytometrie und visueller Kontrolle", Laborwelt, Nr. IV, 2001, pages 23-26:


English-language translation is provided.

EP 0660930: Cited in the specification and relevance described therein; equivalent to WO 94/07138.

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Information Disclosure Statement

Consideration of the foregoing in relation to this application is respectfully requested.

Respectfully submitted,
NORRIS McLAUGHLIN & MARCUS, P.A.

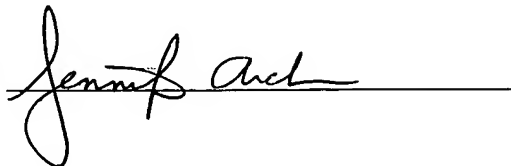
By 
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New York, New York 10017
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Services as first class mail in an envelope addressed to: Hon. Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 1, 2004.

NORRIS McLAUGHLIN & MARCUS, P.A.

By 



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| LIST OF PATENTS AND PUBLICATIONS APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Form PTO-1449) | | | | Attorney Docket: 100725-46 | | Serial No.: 10/658,240 | |
| | | | | Applicant: Ekkehardt WEBER et al. | | | |
| | | | | Filing Date: September 9, 2003 | | Group: To Be Assigned | |

| U.S. PATENT DOCUMENTS | | | | | | | |
|-----------------------|----|-----------------|------|------|-------|-----------|-------------------------------|
| Examiner's Initial | | Document Number | Date | Name | Class | Sub Class | Filing Date If appropriate |
| | AA | | | | | | |
| | AB | | | | | | |
| | AC | | | | | | |
| | AD | | | | | | |

| FOREIGN PATENT DOCUMENTS | | | | | | | |
|--------------------------|----|-----------------|-------------|---------|-------|-----------|--------------------------|
| | | Document Number | Date | Country | Class | Sub Class | Translation Yes No |
| | AE | * 0660930 | 5 Jul 1995 | Europe | | | |
| | AF | 94 07138 | 31 Mar 1994 | World | | | |
| | AG | | | | | | |
| | AH | | | | | | |

| OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.) | | |
|--|--|--|
| AI | Pachmann, Katharina et al., "Tumorzell-Analyse mit kombinierter Magnetanreicherung, Laser-Scanning-Zytometrie und visueller Kontrolle", Laborwelt, Nr. IV, 2001, pages 23-26. | |
| AJ | Borgen, E. et al., "Standardization of the immunocytochemical detection of cancer cells in BM and blood: I. establishment of objective criteria for the evaluation of immunostained cells." Cytotherapy, Vol. 1, No. 5, pages 377-388 (1999). | |
| AK | Seiben, S. et al., "Comparison of different particles and methods for magnetic isolation of circulating tumor cells", J. of Magnetism and Magnetic Materials, Vol. 225, pages 175-179 (2001). | |
| AL | Pachmann, Katharina et al., "A Standardised Method for Detection of Minimal Numbers of Circulating Tumor Cells Allows Direct and Timely Monitoring of Chemotherapy in Breast Cancer", J. of Cancer Research and Clinical Oncology, Vol. 129, Supplement 1, pages S14 – S15 (2003). | |
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| EXAMINER: | DATE CONSIDERED: |
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- **EXAMINER:** Initial if Reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformation and not considered, include copy of this form with next communication to applicant.